

Document Log

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"Yurdin, Bruce" <Bruce.Yurdin@Illinois.gov> Tinka Hyde/R5/USEPA/US@EPA Timothy Henry/R5/USEPA/US@EPA			
Subject		Date/Time	
RE: Permit requirements for CAFOs		10/14/2010 04:51 PM	

Document Body

Steve,

Thanks for sharing the information about other states .

I'm making the assumption that we are discussing this specific statement - Illinois, like other states, can require ALL Large CAFOs to apply for an NPDES permit. By ALL large CAFOs I mean the large CAFOs that must seek an NPDES permit under the 2008 federal rule as well as those large CAFOs that the rule allows to be unpermitted if certain conditions are met. If this assumption is misguided then I withdraw my analysis.

Section 11 of the Illinois Environmental Protection Act states- "it would be inappropriate and misleading for the State of Illinois to issue permits to contaminant sources subject to such federal law, as well as State law, which do not contain such terms and conditions as are required by federal law, or the issuance of which is contrary to federal law."

I wonder if other states have a similar language in their state Environmental Protection Acts.

Since the 2008 federal rule specifically states when an NPDES permit is required, the language in Section 11 will required IEPA to follow the 2008 federal rule requirement in terms of who and when an NPDES permit is required.

If you see it differently please share. Thanks,

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-----Original Message-----

From: Jann.Stephen@epamail.epa.gov [mailto:Jann.Stephen@epamail.epa.gov]
Sent: Wednesday, October 13, 2010 12:45 PM
To: Willhite, Marcia
Cc: Sofat, Sanjay; Yurdin, Bruce; Hyde.Tinka@epamail.epa.gov;
Henry.Timothy@epamail.epa.gov; Pierard.Kevin@epamail.epa.gov
Subject: Permit requirements for CAFOs

Hi Marcia. I am following up on our recent conversation about the CAFO "duty to apply" for a permit as established by Minnesota, Wisconsin, Indiana, and Michigan. The applicable statutory or rule text from those States is provided in the attachment below. The requirements apply to the State programs for issuing NPDES permits. Please let me know if you have any questions our would like to discuss. Steve.

(See attached file: State Duty to Apply.docx)

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